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10 Communities of Arizona and Michael A. Parham

11 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**

12 In the Matter of:

Supreme Court No. R-16-0040

13 PETITION TO AMEND RULES 5(a),
14 5(b)(6), 5(b)(7) AND ADD RULES 13(h)
15 AND 20 OF THE RULES OF
16 PROCEDURE FOR EVICTION
17 ACTIONS

REQUEST TO DISMISS PETITION

18 Commenting Parties Manufactured Housing Communities of Arizona (“MHCA”) and
19 Michael A. Parham (collectively, “Commenting Parties”) hereby request the dismissal of the
20 instant rule change petition (the “Petition”), pursuant to Ariz. Sup. Ct. R. 28(A)(3), as moot.

21 **I. FACTUAL BACKGROUND**

22 On July 6, 2016, the ACAJ filed the Petition R-16-0040 proposing that this Court
23 adopt mandatory forms and pleadings in eviction actions.

24 On March 21, 2017, Arizona’s Governor signed HB2237, which adds the following
25 language to every set of landlord tenant laws in Arizona as well as to Arizona’s forcible
26 entry and detainer statutes:

Notwithstanding any other law, an agency of this state and an individual court may not adopt or enforce a rule or policy that requires a mandatory or technical form for providing notice or

for pleadings in an action for forcible entry or forcible or special detainer. The form of any notice or pleading that meets statutory requirements for content and formatting of a notice or pleading is sufficient to provide notice and to pursue an action for forcible entry or forcible or special detainer.

HB2237 prohibits the rule changes proposed in the Petition. It specifically prohibits courts from *requiring* that mandatory notice and pleading forms be used in eviction actions. There is little point in the consideration of a rule change that is illegal.

II. CONCLUSION

The Commenting Parties request that the Petition be dismissed pursuant to Ariz. Sup. Ct. Rule 28(A)(3), which provides that the Supreme Court, after the filing of a Petition, may “reject it for lack of need, merit, or substance.” HB2237 renders the Petition unlawful and this Petition will be mooted when HB2237 goes into effect, which will in all likelihood occur before the Supreme Court is scheduled to act on it.

DATED: March 27, 201

WILLIAMS, ZINMAN & PARHAM P.C.

Electronically Signed

Michael A. Parham

By:

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*Attorneys for Commenting Parties Manufactured Housing
Communities of Arizona and Michael A. Parham*

A copy of these comments has been e-mailed
this 27th day of March, 2017 to:

The Hon. Lawrence Winthrop
Commission on Access to Justice
spickard@courts.az.gov

/s/ *Michael A. Parham*